

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PATRICK KELLETT, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:12CV00536 AGF
	)	
MARSHALL CONTRACTING, LLC,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiffs' motion for default judgment against Defendant Marshall Contracting. Plaintiffs filed this action on March 22, 2012, under Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185, and Section 502 of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1132, seeking judgment for union dues and delinquent contributions that Defendant owes to employee benefit funds associated with Plumbers and Pipefitters Local Union No. 562.

On August 21, 2012, Plaintiffs filed a motion for entry of default against Defendant, and on August 22, 2012, the Clerk of Court entered such default. In their June 14, 2013 motion for default judgment, Plaintiffs seek judgment against Defendant for a total amount of \$20,497.56, which represents \$16,648.84 in delinquent fringe benefit contributions and \$1,122.99 in union dues for the period of January 2009 through December 2011, \$722.50 in audit costs, \$1,567.00 in attorneys' fees in connection with

this matter, and \$436.23 in court costs. Defendant has not responded to the motion in the time allowed.

Prior to the entry of a default judgment, a court should satisfy itself that the plaintiff is entitled to judgment, including by reviewing the sufficiency of the complaint and the substantive merits of the plaintiff's claim. *Jenkins v. E. Asset Mgmt., LLC*, No. 4:08-CV-1032 CAS, 2009 WL 2488029, at \*3 (E.D. Mo. Aug. 12, 2009). Where default has been entered, the "allegations of the complaint, except as to the amount of damages are taken as true." *Brown v. Kenron Aluminum & Glass Corp.*, 477 F.2d 526, 531 (8th Cir. 1973). Here, taking Plaintiffs' allegations in the complaint as true, except for those allegations as to the amount of damages, the Court concludes that Plaintiffs are entitled to default judgment for \$20,497.56. With respect to damages, Plaintiffs have provided documentation and evidence supporting its entitlement to the amounts sought.

Upon review of the record,

**IT IS HEREBY ORDERED** that Plaintiffs' motion for default judgment is **GRANTED** in the amount of \$20,497.56. (Doc. No. 24.)

An appropriate Judgment shall accompany this Memorandum and Order.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 25<sup>th</sup> day of June, 2013.